



12 AUG 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

RICHARD L. STEVENS
SAMUELS GAUTHIER & STEVENS
225 FRANKLIN STREET SUITE 3300
BOSTON, MA 02110

In re Application of : DECISION ON
EULER et al. :
Application No.: 09/762,863 :
PCT No.: PCT/US99/19601 : PETITION UNDER
Int. Filing Date: 25 August 1999 :
Priority Date: 26 August 1998 : 37 CFR 1.47(a)
Attorney's Docket No.: 4463 :
For: THIN FILM STRAIN SENSORS BASED ON :
INTERFEROMETRIC OPTICAL MEASUREMENTS :
:

This is a decision on applicants' second "Renewed Petition Under 37 C.F.R. 1.47(a)" including a Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 19 June 2002, in response to a decision mailed on 11 April 2002. The petition requests the acceptance of the application without the signature of named inventor, Gregg S. Huston.

BACKGROUND

On 08 January 2002, applicants filed a renewed petition under 37 CFR 1.47(a) and correction of inventor Gregg C. Huston's middle initial. A decision on the petition was mailed on 11 April 2002 dismissing the renewed petition on the grounds that counsel had not described what steps were taken to locate the whereabouts of the nonsigning inventor, i.e. Internet searches, contacts with his last known place of employment to locate a current employer or address and thus, the petition lacked the factual proof that the non-signing joint inventor refused to execute the application or could not be reached after diligent effort.

DISCUSSION

As previously noted, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicants previously satisfied Items (1), (3) and (4).

With regard to Item (2), attorney of record Richard L. Stevens provides a statement of facts in support of filing on behalf of nonsigning inventor pursuant to 37 CFR 1.47(a). Mr. Stevens attests that on 06 May 2002, he contacted the Registrar's Office, Alumni Office, Chemistry Department and Professor William B. Euler of the University of Rhode Island (Mr. Huston's former employer) in an attempt to determine Mr. Huston's whereabouts without success. Mr. Stevens made further attempts using an Internet search for Gregory Huston to locate and contact him, to no avail, attaching copies of the search results to his statement.

Counsel has now described the steps he has taken to locate the whereabouts of the nonsigning inventor, i.e. Internet searches, contacts with his last known place of employment to locate a current employer or address, in an attempt to locate Mr. Huston, without avail. With this statement of facts by a person having first hand knowledge concerning the facts regarding such "diligent efforts", the petition under 37 CFR 1.47 can now be granted. Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a) at this time.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 02 May 2001 and to mail a filing receipt. The application has an international filing date of 25 August 1999 under 35 U.S.C. 363, and a date of 02 May 2001 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office



Boris Milef
Legal Examiner
PCT Legal Office

CMK/BM:cmk

Telephone: (703) 308-4313
Facsimile: (703) 308-6459



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of a national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Gregg Huston) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US99/19601 and was filed on 25 August 1999 in the names of William B. Euler, Otto J. Gregory and Gregg Huston for the invention entitled THIN FILM STRAIN SENSORS BASED ON INTERFEROMETRIC OPTICAL MEASUREMENTS. The national stage application is assigned number 09/762,863 and has a 35 U.S.C. 371(c) date of 02 May 2001.



12 AUG 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Gregg S. Huston
23 Tomahawk Trail
Wakefield, Rhode Island 02879

In re Application of
EULER et al.
Application No.: 09/762,863
PCT No.: PCT/US99/19601
Int. Filing Date: 25 August 1999
Priority Date: 26 August 1998
Attorney's Docket No.: 4463
For: THIN FILM STRAIN SENSORS BASED ON
INTERFEROMETRIC OPTICAL MEASUREMENTS

Dear Mr. Huston:

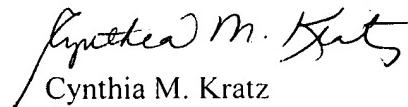
You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


Boris Milef
Legal Examiner
PCT Legal Office

CMK/BM:cmk
Telephone: (703) 306-5467

RICHARD L. STEVENS
SAMUELS GAUTHIER & STEVENS
225 FRANKLIN STREET SUITE 3300
BOSTON, MA 02110


Cynthia M. Kratz
Attorney Advisor
PCT Legal Office



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of a national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Gregg Huston) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US99/19601 and was filed on 25 August 1999 in the names of William B. Euler, Otto J. Gregory and Gregg S. Huston for the invention entitled THIN FILM STRAIN SENSORS BASED ON INTERFEROMETRIC OPTICAL MEASUREMENTS. The national stage application is assigned number 09/762,863 and has a 35 U.S.C. 371(c) date of 02 May 2001.